Present

App. F. IX-4

Previous References 1933-4 (Mis 3)

File No. 16-33

Serial Nos. 1-3

Later References

Misc 16-33 b

16-33-4, 5-7

General and Revenue Secretariat.

Serial Nos. 1-3

Part B for July 1933.

SUBJECT.

Review petition of Munja Bhatta in regard to the grant of lease of certain lands below N Sri Venkatarmanna devara Melage to one Mr. Raghupathi Rao

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Ends No 74 of 1877/33 declining the grant of the request of Mr Munja Bhatta Advocate

Pl/b 75 of 1877/33 to the

for the petitioner

G.S. 1877

Serial No.

Petition dy 5.7.33 from Hanuja Bhatta Son of Narasimha Bhatta Malage Tirthahalli Taluk praying for a reconsideration of order passed in G.O. No 1766-71 Revy 269-32-3 dy 10/6/33 re: leasing out S. No 11 (Garden) endowed to Sri Venkataramana Devaru temple at this place to one Mrs Raghupathi Rao. for Rs 45 0/- p.a. for 30 years and requesting that the present lease be cancelled and the garden thereon subject to terms that the Government is pleased to impose.

Petition dy 5/7/33 from the same gentleman praying for the stay of further proceedings taken in connection with leasing out S. No 11 referred to therein.

The appellant in para 8 of P.A. dt submits that he has effected improvements to the land at a considerable cost & that he has been in possession of the land for over a century. In para 10 he says that he is prepared to give the same rent as fixed, i.e. Rs 7-4-7- as will be prepared in the case of Raghupathi Rao — the lease purchaser [illegible]. In para 11 he prays for the cancellation of the present lease & that he be granted the lease on such terms [illegible] Govt. fix.

NOTE—Contn. Sheet.

WD 0246 --GPB—15,000—22-8-32

In view of the keen competition for the land, whatever higher bid — higher even the present sum of Rs 4,501— offered by the Raghupatrao Rao — may be realised will be, it is said, to the advantage of the Institution -

For setting the official charge admitted (Revision)
& records called for.

The request of the petitioner for a stay order is for rejection —

4-2 RR
7/7 —

Hand papers invited to the note and the members orders (at pars 5 ante) in Mmz. Collection File No. 269-32 Sel/-3 of 1932-33 post up. The petitioner tried to secure the land for himself for as low an amount as possible and to now coming up with requests when others have offered higher bids. His case does not seem to deserve any consideration.

What is stated in para 6 of the petn is not true as can be seen from para 2 of the Govt report dt 16. 5. 33 (Page I)

As regards the permit urged in para 8 of the petn it is clear from the petition and Govt that he & his ancestors have been enjoying the lands for over a century and if they have spent much to improve the lands they have been suffering long in enjoyment of the same to enable them to recover the

3 Revised 1 of 33-34

General and Revenue Secretariat | Mag File No. 16 of 193 32 | [App. F. III—2

Serial No.

Amount spent terfold.

7) The petition deserves to be rejected. This does not seem to be a fit case for stay orders being passed.

8/7/33

Dated 10.25

Secy)

The petition may be rejected in the circumstances. There are no grounds for the grant of stay order

8.7.33

Dewan)

9) Mmle 11/7/33

10 11/7

11 10/7 and 12 14/7

13

3 No 74 of 18.4.33 to Mrs Maria Bhatia The petitioner declining the grant of his request—

Memo No 75 of 18/7/33 forwarding Copy of the above Endorsement to the Advocate for the petitioner

18/7

NOTE—Contn. Sheet.

File No. of 193 General and Revenue Secretariat

WO RUPEES

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE AT BANGALORE.

Revised

Muzrai Petition 1 of 33-34.

Manja Bhatta son of Narasimha Bhatta, Melage, Tirthahalli Taluk.) Petitioner.

VS

Javali Raghupathi Rao, son of Javali Hanumantha Rao, residing at Tirthahalli.) Opponent.

The petitioner begs to submit as follows:-

The petitioner and his ancestors have been in possession of a garden in Malage village, - Tirthahalli taluk bearing S.No. 11 which was - claimed to belong to Sri Venkataramana Devaru.

2. The petitioner and his ancestors converted practically what was a barren land into a garden land and have spent considerable sums of money from their own pockets in order to bring it into a good and fertile condition. They claimed to be the owners subject to the payment of a permanent Gutta to the Temple. But about the year 1926 the right of cultivation was sought to be sold in public auction depriving the petitioner of the right which he claimed right - through. The petitioner presented an appeal in the Court of the Muzrai Commissioner in Muzrai appeal No. 9 of 27-28 While denying the petitioner's right as a Mulgeni tenant the Muzrai Commissioner was pleased to

to set aside the order of the Deputy Commissioner and gave a lease to the petitioner for five years on payment of Rs. 150/- a year. This was done in recognition of the services rendered by the petitioners family and in recognition what was done by the petitioner and his ancestors for the temple and the garden in question. The petitioner has been paying that amount regularly. The Deputy Commissioner again directed the sale of the right of cultivation by public auction. The petitioner represented to him the circumstances in the case and offered to pay some higher amount and prayed that the garden may be leased over to him again for a sufficiently long period. The Deputy Commissioner rejected the offer of the petitioner and directed that the above right should be sold on the 28th instant.

3. Thereafter the petitioner filed an appeal in the court of the Muzrai Commissioner in Mysore praying that a reasonable amount may be fixed and that the petitioner may be allowed to continue in possession of the property. The application for stay of sale was sent to the Deputy Commissioner indicating that the petitioner's application deserved consideration as he was so long in possession.

4. In the meanwhile the petitioner also approached the Deputy Commissioner praying that a sum of Rs. 400/- may be accepted from him for per

per year and that the garden may be leased to him for a period of 30 years.

5. The learned Deputy Commissioner did not grant the prayer of the petitioner but directed the sale to be held. The sale was also held in which some people who are hostile to the petitioner, deliberately raised the bid making it impossible for the petitioner to retain the lease for himself,

6. But subsequently the Deputy Commissioner did not give effect even to the sale. But he granted the lease to one Raghupathi Rao who, inimically disposed towards the petitioner at an upset rental of Rs 450/- per year for a period of 30 years. This was done without notice to the petitioner who would have accepted the lease on the same conditions and who is even now willing to do so. In fact, he had offered to pay Rs 400/- per year and the difference is only a sum of Rs 50/-

7. The petitioner learns that the learned Deputy Commissioner had requested sanction of this Honourable Court for the said lease in favour of Raghupathi Rao and that this Honourable Court has sanctioned the lease in its order dated 10-6-33 in Muz. 1736-7/269-32-3

8) The said Raghupathi Rao is now trying to obtain possession of the properties in pursuance of the said order and the petitioner submits that he is entitled to get the lease in question in preference to anyoneelse as the property has been in his possession for over a century and as it has

been

been very well improved by him and his ancestors at considerable expense. The learned Deputy Commissioner should have given the petitionor an opportunity to accept the lease on the same terms.

9. The said Raghupathi Rao and others have been trying to somehow deprive the petitioner of this property and have managed to obtain the lease without the knowledge of the petitioner.

10. The petitioner submits that he deserves to get the lease at a much smaller rental in consideration of the circumstances stated above. But if this Honourable Court still directs him to pay a rental of Rs. 450/- per annum, he is prepared to do so.

11. The petitioner therefore prays that this Honourable Court may be pleased to cancel the lease granted to the said Raghupathi Rao and that the petitioner may be granted the same instead, on any terms that this Honourable Court may deem fit and reasonable.

Advocate for Petitioner

Bangalore,
8th July '33.

TWO RUPE S

Petition NC OF 1933 - 1934

VS.

Petitioner — Javali Raghupathi Rao — Opponent

I the Petitioner above named, do hereby nominate and appoint ~~Mr. A. R. Nagesvara Iyer B. A., B. L.,~~ Advocates and A R Somanath Iyer BA BL in the above suit and do hereby empower the said **Advocate** to appear for and on my behalf in the above suit, to take all steps which may be necessary on my behalf arising out of or in connection with the above suit either during progress or after its decision, to sign and subscribe their names to any document which they may deem proper, to execute any decree that may be passed in my favour and to receive out of the Court any refund of money which may be lodged or become payable or receivable on my behalf and on receipt thereof to grant receipt or other sufficient discharges for the same, to withdraw, compromise or refer to arbitration the said suit, to appoint one or more substitutes and to act and perform all other matters and things relating thereto or connected therewith, to represent me in matters relating to the same and to act as fully and effectually to all intents and purposes as I might do if personally present and did the same. And I do hereby agree to pay all fees, costs, charges and expenses which may be incurred and to allow, ratify, and confirm whatsoever the said **Advocate** shall lawfully do or cause or procure to be done by the virtue of these presents.

In witness whereof I have hereunto set my hand this 5th day of July - 1933

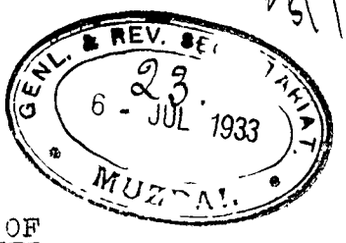
ACCEPTED

A Somanath Iyer

Advocates for Petitioner

Signed before me by the executant who known to me

TWO RUPEES [دو روپے]



BEFORE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE AT BANGALORE.

Muzrai Petition of 33-34.

Manja Bhatta ... Petitioner.

Vs

Javali Raghupathi Rao.. Opponent.

The petitioner begs to submit as follows:-

1. The petitioner has filed a petition today in this Hon'ble Court praying that the lease granted to the opponent of a certain garden in Melige village, Tirthahalli Taluk may be cancelled and that the petitioner may be granted the same.

2. The opponent is trying to take possession of the garden and the petitioner learns that the garden is likely to be delivered to the opponent immediately.

3. The petitioner submits that he has grown valuable areca crops in the said garden at considerable cost and labour. He has also grown a number of other plantations. He has used artificial manure for this year's crop also at considerable cost and got the trees sprayed to get over Koleroga and the crops are ready for harvest.

4. Moreover the petitioner has sunk a valuable well in the garden and he has to get even his drinking water from the said well.

5. He and his ancestors have expended more than Rs. 10000/- over the garden and the will and has effected

effected vast improvements therefor.

6. If at this stage the garden is delivered to the opponent, the petitioner will suffer irreparable loss - and damage as he will be deprived of the crops grown - by him at a very heavy cost and as the opponent will - damage the garden also and commi acts of waste also therein.

7. The petitioner therefore prays that this Hon'ble Court may be pleased to stay further proceedings in the matter and direct that the possession of the garden may not be delivered to the opponent pending disposal of the main petition.

I declare that what is stated above is true.

Bangalore,
5th July 33.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 18th July 1933.

No. 24 — Mulg 16-33-3

ENDORSEMENT

Granted to

Mr. Manja Bhatta, son of Narasimha Bhatta, Melage Tirthahalli. Taluk.

With reference to his two petitions dated 5th July 1933 praying for a reconsideration of orders passed in Government Order No.1766-7/Miz.269-32-3 dated 10th June 1933 regarding the lease of S.No.11 (Garden) in Melere belonging to Sri Venkataramana Devar, temple at the village to one K. Raghunathi Rao, and for stay of the said orders Mr. Manja Bhatta is informed that his request cannot be granted as there are no grounds for reconsidering the orders already passed in the matter. His petition is accordingly rejected.

By Order,

A. N. Raghavachar,

Deputy Under Secretary to Government.

P.T.O.

Typed.

Memo No. 757/M13 dt 18/7/33

Copy of the above is forwarded to Mr.A.R. Somanatha Iyer, Advocate for the petitioner.

By Order.

For Financial Secretary to Government.

TSS.

Appendix F G—1]

SUBJECT.....

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Section Rev 3

File No. 16-33

Serial No. 3

Diary No. of letter replied to .....

No. 74

To

Thiru Manja Bhatta Sanda
Narasimha Bhatta
Melage, Tirthahalli
TK

General and Revenue Secretariat

( )

the 193 .

Date of issue 18/7/33

Signed by Mr B. Muddukrishnappa

Sir

I am directed to refer to your petition dated 7 7 33 praying ~~for a stay order~~ for a reconsideration of orders passed in G.O. No 1766-7/Rev 269-32-3 dt 10 6 33 in regard to the lease of S. No 11 (Garden) of Melage Village in Tirthahalli Taluk and to state that the matter has been carefully considered but Government regret that they are unable to accede to your request. The lease of the said garden is therefore liable to be cancelled and the garden resumed by Government.

List of enclosures.....

Copied by.....

Examined by .....

WD 0253—GPB—15,000—26-8-32

for reconsidering the matter already
named in the matter. Thereafter accordingly
V. C
2/11/17
for R/Sec
Mary 1st Nov 23 Thakeyer
Advocate for the petitioner
15-0
2/11/17
For R/Sec
2/11/17